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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/600,654	10/02/2000	Michael James Knee	87805-9010	9007
7590 04/09/2004 Derek C Stettner Michael Best & Friedrich 100 East Wisconsin Avenue Milwaukee, WI 53202-4108			EXAMINER VO, TUNG T	
			ART UNIT 2613	PAPER NUMBER 13

DATE MAILED: 04/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/600,654

Applicant(s)

KNEE, MICHAEL JAMES

Examiner

Tung T. Vo

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. New corrected drawings are required in this application because the submitted drawings, filed on 03/35/04 are incorrect accordance to the claimed inventions.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 09/26/04 has been considered.

### ***Response to Arguments***

1. Applicant's arguments, see the amendment B, filed 03/25/04, with respect to the rejection(s) of claim(s) 1-11 under 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the cited prior art.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

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do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Kodama (US 5,963,673).

Re claim 1, Kodama discloses a video signal comprising the steps of : in compression coding step,

analyzing an input video signal (VIDEO) at a picture rate (111 of fig. 5) and at a macroblock rate (112 of fig. 5; see also col. 4, lines 5-30), and

taking compression coding decisions (146 and 60 of fig. 5) including picture rate coding decisions and macroblock rate coding decisions (col. 5, line 63 through col. 6, line40);

forming a presentation of the coding decisions (MOTION VECTOR and MACROBLOCK TYPE DATA (MBT) of fig. 5);

outputting said representations from the compression coding step (MOTION VECTOR and MACROBLOCK TYPE DATA (MBT) of figure 5 are outputted to the VLC (134 of fig. 5)) and passing the representation along a video pathway with input video signal (134 of fig. 5, e.g. where the MOTION VECTOR and MACROBLOCK DATA are inputted into the VLC 134);

and downstream of the video pathway compression encoding the input video signal in accordance with said coding decisions (116, 118, 120, 124 of fig. 5, e.g. called downstream compression encoding the input (VIDEO) based on the coding decisions (144 of fig. 5)).

Re claim 2, Kodama further discloses wherein said representation of the coding decision comprises an information bus (MBT and MOTION VECTOR are called information bus of figure 5) in which the coding decisions are represented in the same format as they are represented in the compressed bit-stream (the selected image is encoded by VLC has the same format through out the DCT, Quantization and VLC, (116, 118, 120, 124 of fig. 5) which is the output of said downstream compression coding operation (VLC 124 of fig. 5), e.g. called downstream compression coding).

Re claim 3, Kodama further discloses wherein analysis generates information relating the picture size and type (the MPEG standard comprises a group of picture GOP(s); the GOP consists of I, P, and B frames; and the I, P, and B frames comprises horizontal and vertical sizes; see cols. 1-2, and 5).

Re claim 4, Kodama further discloses wherein analysis comprises the generation of candidate of a motion vector (146 of fig. 5, col. 4, lines 5-39).

Re claim 5, Kodama further discloses wherein analysis comprises the selection for each macro-block of the picture of a motion vector from said candidate motion vectors (146 and 60 of fig. 5).

Re claim 6, Kodama further discloses said analysis comprises the selection of a macroblock prediction mode (60 of fig. 5, col. 5, lines 24-66).

Re claim 7, Kodama further discloses wherein said analysis includes a bit rate control (132 of fig. 5), and includes the taking of quantizer decisions appropriate to the maintenance of the selected bit rate (132 of fig. 5, e.g. the quantizer scale).

Re claim 8, Kodama further discloses wherein plural bit rates are selected (131 of fig. 1, e.g. select plural bit rates from FIFO 126 and Buffer 50-56 of fig. 5) and plural quantizer decisions are taken (quantizer scale  $q$  of fig. 5).

Re claim 9, Kodama discloses compression pre-processing apparatus (111, 112, 146, 62, 50, 144 of fig. 9) comprising:

coding means (111, 112, 146, 63 of fig. 9) for analyzing a video signal at a picture rate (111 of fig. 9) and at a macroblock rate (112 of fig. 9) and taking compression coding decisions (60 of fig. 9) including picture rate coding decisions and macroblock coding decisions (cols. 9-10);

means (62 of fig. 9) for processing the coding decisions and means (50 of fig. 9) for outputting, from the compression pre-processing apparatus (111, 112 of fig. 9), the processed coding decisions for passage with the video signal along a video pathway (MBT and MOTION VECTOR).

Re claim 10, Kodama further discloses wherein said means for processing the coding decisions provides a representation of the coding decisions in the form of a compressed video bit-stream lacking transform coefficients (THE MBT and MOTION VECTOR are encoded by VLC 134 without using transform coefficients).

Re claim 11, Kodama further discloses wherein said means for outputting processed coding decisions serves to modulate one or more least significant bits of video signal (MBT has more least significant bits).

***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung T. Vo whose telephone number is (703) 308-5874. The examiner can normally be reached on 6:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris. Kelley can be reached on (703) 305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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